

## **REMARKS**

The Office Action dated March 17, 2005, has been received and reviewed. The Examiner's thorough review of the claims is appreciated.

Claims 1, 2, 6, 11-18, 22, 23, 40-52, and 55-74 are currently pending and under consideration in the above-referenced application. Of these, claims 1, 2, 6, 11-16, 49-52, and 69-71 have been allowed. Claims 40-48 and 55-68 are also directed to allowable subject matter. Claims 17, 18, 22, 23, 40-48, 55-68, and 72-74 stand rejected.

Claim 18 has been canceled without prejudice or disclaimer.

Reconsideration of the above-referenced application is respectfully requested.

### **Claim Objections**

The Office has objected to claims 49-52 because the term "completely" in independent claim 49 was misspelled. This misspelling has been corrected, and does not narrow the scope of independent claim 49 or claims 50-52 depending therefrom.

### **Claim Amendments**

Independent claims 17 and 72 have been amended to improve the clarity thereof. The revisions to independent claims 17 and 72 should not be considered to narrow their scopes.

Other revisions to the claims are discussed throughout the "REMARKS" section of this Amendment.

### **Rejections Under 35 U.S.C. § 112, Second Paragraph**

Claims 18, 40-48, and 55-68 stand rejected under 35 U.S.C. § 112, second paragraph, for reciting subject matter which is purportedly indefinite.

Claim 18 is rejected for failing to further limit the subject matter of claim 17, from which it depends. Claim 18 has been canceled without prejudice or disclaimer, rendering the rejection thereof moot.

Independent claim 40 stands rejected for including an extraneous "support" at line 9 thereof. The extraneous term has been removed from the claim, placing it, as well as

claims 41-48 depending therefrom, in condition for allowance under the second paragraph of 35 U.S.C. § 112. The removal of the extraneous incidence of the term “support” from independent claim 40 does not narrow the scope of independent claim 40, or the scope of any of claims 41-48 depending therefrom.

Independent claim 55 has been rejected for reciting alternatives that may actually be the same. Specifically, it has been asserted that “a polymer may also be a ‘dense’ region.” Office Action of March 17, 2005, page 2. While this is true, it is also true that a polymer need not be ‘dense.’ It is also true that a ‘dense’ materials need not be a polymer. As this would be readily apparent to one of ordinary skill in the art, it is respectfully submitted that one of ordinary skill in the art would readily understand the meaning and scope of “a substantially rigid structure comprising polymer or a dense region.” Therefore, independent claim 55, and claims 56-62 depending therefrom, comply with the definiteness requirement of 35 U.S.C. § 112, second paragraph.

Independent claim 63 stands rejected because the phrase “the at least one lip” lacks proper antecedent basis in the claim. Independent claim 63 has been revised to replace the recitation “a lip” with “at least one lip” to improve consistency. Therefore, independent claim 63 and claims 64-68 depending therefrom are in condition for allowance under the second paragraph of 35 U.S.C. § 112. As one of ordinary skill in the art would have understood that “a lip” and “at least one lip” were referring to the same element, it is respectfully submitted that this revision does not narrow the scope of independent claim 63, or the scope of any of claims 64-68 depending therefrom.

In view of the foregoing, withdrawal of the 35 U.S.C. § 112, second paragraph, rejections of claims 18, 40-48, and 55-68 is respectfully requested.

### **Rejections Under 35 U.S.C. § 102**

Claims 17, 18, 22, 23, 72, 73, and 74 stand rejected under 35 U.S.C. § 102.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single reference which qualifies as prior art under 35 U.S.C. § 102. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053

(Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Crevasse

Claims 17, 18, and 74 are rejected under 35 U.S.C. § 102(a) for reciting subject matter which is purportedly anticipated by that described in U.S. Patent 6,033,293 to Crevasse et al. (hereinafter “Crevasse”).

Cravasse discloses a vacuum system for securing a polishing pad 30 in place while semiconductor device structures (e.g., wafers upon which semiconductor devices are being fabricated) are being polished. Specifically, the vacuum system includes a platen 40 with a polishing table 39, upon which a backside layer 34 of the polishing pad 30 rests, as well as holes 41-45 that communicate a negative pressure from a vacuum channel 48 within the platen to the polishing table 39.

Notably, the Office’s application of the features of the apparatus described in Crevasse to the claims of the above-referenced application is inconsistent. In rejecting independent claim 17, it has been asserted that a subpad retention element 48 of Crevasse is configured to apply a negative pressure to a bottom surface of a subpad. Office Action of March 17, 2005, page 3. The apparatus described in Crevasse only applies a negative pressure to the backside layer 34 of a polishing pad 30. Thus, it appears, for purposes of rejecting independent claim 17, that the Office considers the backside layer 34 of the polishing pad to be a subpad.

With respect to independent claim 74, however, the Office Action clearly indicates that “element 46 functions as a subpad.” Office Action of March 17, 2005, page 3. Crevasse, however, clearly explains that element 46 is the top plate, or surface, of the platen 40. Col. 4, lines 4-15.

It is respectfully requested that the Office apply the disclosure of Crevasse to the claims in a consistent manner.

In any event, with respect to independent claim 17, the description of Crevasse is limited to an apparatus that retains a disc-shaped polishing pad 30 with a backside layer 34 that is secured to an upper, polishing layer 32. Thus, Crevasse does not expressly or inherently describe

a subpad support that is configured for use with an apparatus that includes a polishing pad that may be moved independently from a subpad or a support to which the subpad is secured, as would be required to anticipate each and every element of independent claim 17.

Therefore, it is respectfully submitted that, under 35 U.S.C. § 102(a), independent claim 17 recites subject matter that is allowable over the subject matter described in Crevasse.

Claim 18 has been canceled without prejudice or disclaimer. Thus, the rejection thereof is moot.

Independent claim 74 is drawn to a subpad assembly that includes, among other things, a subpad that is configured to support a polishing pad without being secured to the polishing pad. The description of Crevasse is limited to a polishing pad 30 that includes an upper layer 32 and a backside layer 34 that are secured to one another. Crevasse does not expressly or inherently describe that the backside layer 34 is configured to support the upper layer 32 without being secured thereto.

Crevasse still fails to anticipate each and every element of independent claim 74 even if the top plate 46 of the platen 40 of Crevasse is considered to be a subpad. That is because the presence of a negative pressure at the top plate 46 would secure a polishing pad 30 to the top plate 46. Thus, the top plate 46 could not support the polishing pad 30 without being secured to the polishing pad 30.

For these reasons, Crevasse does not anticipate each and every element of independent claim 74, as would be required to maintain the 35 U.S.C. § 102(a) rejection of claim 74.

Nishi

Claims 17, 18, 22, 23, 72 and 73 stand rejected under 35 U.S.C. § 102(b) for reciting subject matter which is purportedly anticipated by that described in U.S. Patent 5,704,827 to Nishi et al. (hereinafter “Nishi”).

Nishi describes an apparatus that employs a negative pressure to secure a cloth cartridge 1 to a polishing apparatus. The apparatus includes passages 15 through which a negative pressure is communicated to a surface of a turntable 4 to secure a base member 2 of the cloth cartridge 1

to the turntable 4 surface. A polishing cloth 3 is bonded to the base member 2 of the cloth cartridge 1. Col. 3, lines 48-51.

Nishi does not expressly or inherently describe that the polishing cloth 3 thereof moves independently relative to the base member 2 of the cloth cartridge 1 thereof. Thus, Nishi does not anticipate each and every element of either independent claim 17 or independent claim 72, as would be required to maintain the 35 U.S.C. § 102(b) rejections of these claims.

Claim 18 has been canceled without prejudice or disclaimer, rendering moot the rejection of that claim.

Claims 22 and 23 are both allowable, among other reasons, for respectively depending directly and indirectly from claim 17, which is allowable.

Claim 73 is allowable, among other reasons, for depending directly from claim 72, which is allowable.

In view of the foregoing, it is respectfully requested that the 35 U.S.C. § 102 rejections of claims 17, 18, 22, 23, 72, 73, and 74 be withdrawn.

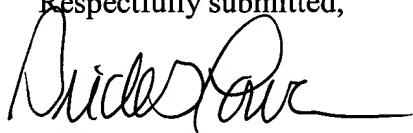
**Allowable Subject Matter**

The indications that claims 1, 2, 6, 11-16, 49-52, and 69-71 have been allowed and that claims 40-48 and 55-68 are directed to allowable subject matter are gratefully acknowledged.

### CONCLUSION

It is respectfully submitted that each of claims 1, 2, 6, 11-18, 22, 23, 40-52, and 55-74 is allowable. An early notice of the allowability of each of these claims is respectfully solicited, as is an indication that the above-referenced application has been passed for issuance. If any issues preventing allowance of the above-referenced application remain which might be resolved by way of a telephone conference, the Office is kindly invited to contact the undersigned attorney.

Respectfully submitted,



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